

CEMETERY AND FUNERAL BUREAU

ORDER OF ADOPTION

- (1) Adopt Section 1258.4 of Division 12 of Title 16 of the California Code of Regulations to read as follows:

1258.4. Statement of Disclosure of Preneed Agreement

The statement on the general price list required by Business and Professions Code Section 7685(b) shall be made on the first page of the list, and shall be separate and apart from any other information on the list, and shall state:

“Prior to drafting any contract for goods or services, the responsible party or the decedent’s survivor who is handling the funeral arrangements is entitled to receive a copy of any preneed agreement in the possession of the funeral establishment that has been signed and paid for, in full or in part, by or on behalf of the decedent.”

Note: Authority cited: Section 7606, Business and Professions Code. Reference: Sections 7606, 7685 and 7745, Business and Professions Code.

- (2) Amend the title of Article 8 of Division 12 of Title 16 of the California Code of Regulations to read as follows:

Article 8. Preneed Funds and Disclosure of Preneed Agreements

- (3) Adopt Section 1277 of Division 12 of Title 16 of the California Code of Regulations to read as follows:

1277. Definition of Preneed Arrangement

“Preneed arrangement,” “preneed agreement” or “preneed” is written instruction regarding goods or services or both goods and services for final disposition of human remains when the goods or services are not provided until the time of death, and may be either unfunded or paid for in advance of need.

Note: Authority cited: Section 7606, Business and Professions Code. Reference: Sections 7606, 7685, 7685.6 and 7745, Business and Professions Code.

(4) Adopt Section 1277.5 of Division 12 of Title 16 of the California Code of Regulations to read as follows:

1277.5. Disclosure of Preneed Funeral Agreement

(a) The statement disclosing whether or not the funeral establishment has any preneed agreement made by or on behalf of the deceased shall be made on the "Disclosure of Preneed Funeral Agreement" form provided by the Bureau (Form 21F1 (10/03)), which is hereby incorporated by reference. The disclosure statement shall be signed and dated by the representative of the funeral establishment and by the survivor or responsible party. A copy of the completed disclosure statement shall be given to the survivor or responsible party, and the original completed disclosure statement, or copy thereof, shall be retained by the funeral establishment for not less than one (1) year after the serviced preneed account has been audited by the Bureau or seven (7) years from the date the disclosure statement was made, whichever comes first.

(b) The "survivor" is the person with the right to control disposition of the remains under Health and Safety Code Section 7100, or their designee.

(c) The "responsible party" is the person contracting for funeral goods or services or both funeral goods and services for the decedent from the funeral establishment.

(d) Pursuant to Business and Professions Code Sections 7685.6 and 7745, a copy of any signed preneed agreement made by, or on behalf of the decedent that is paid for in full or in part and is in the possession of the funeral establishment must given to the responsible party or the decedent's survivor who is handling the funeral arrangements prior to drafting any contract for goods or services.

Note: Authority cited: Section 7606, Business and Professions Code. Reference: Sections 7606, 7685.6 and 7745, Business and Professions Code.